

Statement of Michael Landguth
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Chairman Nehls and Ranking Member Cohen, thank you for the opportunity to testify at today’s hearing. I am Michael Landguth, President and CEO of the Raleigh-Durham Airport Authority. Raleigh-Durham International Airport (RDU) is the gateway to Central North Carolina and the Research Triangle region, home to the largest research park in the United States.

I appreciate the chance to share RDU’s experience as we work daily to navigate the complex web of federal laws, regulations, and guidance documents, all to build a replacement runway. That single project, now slated for completion in 2029, will have taken nearly 13 years from initial planning to construction. This is reflective of the broader challenges airports face nationwide

My testimony today will focus on three key themes drawn from my experience at RDU and the shared concerns of my colleagues at airports nationwide: the positive impacts of the recent FAA reauthorization law, the ongoing challenges posed by the FAA’s current regulatory framework, and the potential for meaningful collaboration through air traffic control (ATC) reform.

Positive Impacts of the FAA Reauthorization Act of 2024

Airports nationwide are grateful to Congress for including key provisions in the FAA Reauthorization Act of 2024 (“the Act”) that reduce regulatory burdens and accelerate the delivery of critical infrastructure projects. Chief among these is the increased funding and updated formulas for the Airport Improvement Program (AIP), enabling all airports—regardless of size—to access more apportionment dollars and prioritize much-needed upgrades. As a medium-hub airport reconstructing a runway, I particularly appreciate Section 713, which reduces the PFC turnback and provides additional resources to larger commercial service airports.

The Act also introduces meaningful reforms to streamline the Passenger Facility Charge (PFC) authorization process. The FAA must acknowledge receipt of an airport’s notice of intent to impose a PFC within 60 days. Additionally, under Section 776, Congress narrowed the scope of the FAA’s authority to object to PFC projects, limiting delays and promoting greater certainty for airport planning.

Regarding regulatory streamlining, the Act significantly improves the FAA’s approval process for Airport Layout Plans (ALPs). Section 743 implements three major changes:

1. The FAA is prohibited from requiring approval for projects that do not materially impact safety or adversely affect prior federal investments, effectively placing those projects outside the agency’s purview.
2. If only a portion of a proposed project falls within FAA jurisdiction, the agency may not review the non-aeronautical components.

3. Airports may submit a notice of intent for projects outside FAA authority and not listed on an ALP. If the FAA does not object within 45 days, the project may proceed.

Environmental review remains one of the most persistent barriers to timely project delivery. The Act addresses this by directing the FAA to update procedures and expedite the review timeline. For example, under Section 783, the FAA must prepare a coordination plan within 90 days of publishing a Notice of Intent to develop an Environmental Impact Statement (EIS) or initiate an Environmental Assessment. That plan must include a schedule to complete the EIS within two years and limit the document to no more than 150 pages (excluding appendices) unless the project is extraordinarily complex.

These reforms reflect Congress's clear recognition of airports' real-world challenges when advancing vital infrastructure. The streamlined processes, expanded funding access, and regulatory clarity included in the Act will have a lasting impact on airports of all sizes, making modernizing the aviation system faster, more predictable, and more cost-effective. On behalf of RDU and airports nationwide, I sincerely thank Congress for taking action that empowers local decision-making, promotes infrastructure investment, and strengthens the future of U.S. aviation. Appendix A outlines important provisions of the Act we would like the FAA to implement as quickly as possible.

Challenges with the RDU Runway

While the Act was good news, I must detail the years of delay RDU has encountered in trying to replace our main runway.

In December 2015, as part of our master plan update, RDU conducted a comprehensive airfield pavement analysis. The results were clear: our primary runway—5L/23R—was deteriorating due to the Alkali-Silica Reaction (ASR), a chemical process that significantly weakens concrete over time. Given the safety implications, we met with the FAA's Memphis Airport District Office (ADO) in early 2016 to present our findings and seek support for a replacement program.

By October of that year, our RDU Board approved a plan to relocate and reconstruct the runway at 11,500 feet—enabling nonstop transpacific service while avoiding disruption to existing operations. We submitted a preliminary environmental analysis to the FAA, concluding that the project qualified for an Environmental Assessment (EA). However, the FAA disagreed and required a full Environmental Impact Statement (EIS)—a significantly more time-consuming and expensive process. After months of discussion, we reluctantly agreed to move forward with the EIS.

In February 2018, we formalized our partnership with the FAA through a Reimbursable Services Agreement and a Memorandum of Understanding, committing \$500,000 to fund FAA staff managing the process. While waiting for environmental clearance, we launched a preservation program to keep the aging runway safe replacing more than 100 concrete slabs between 2018 and 2020.

Throughout 2018 and 2019, we worked closely with the FAA on consultant selection, project scoping, and technical studies. But in late 2019, the FAA informed us that updated forecasts no longer supported the 11,500-foot runway needed for Asia service. In response, we submitted a business case demonstrating long-term demand for direct service to China, supported by a hybrid funding model combining AIP-eligible and sponsor-funded elements.

In March 2020, we met with FAA leadership to resolve the runway length issue and requested a return to the EA process. The FAA denied the request in May but reversed course in January 2021—nearly four years after our original submission—and approved an EA path forward.

We restarted the process immediately. By mid-2021, our Board had approved the EA consultant contract; we had submitted new forecasts, completed the technical analysis, and opened public scoping. That work included runway length justification based on operational data from Alaska Airlines' 737-900ER service to Seattle.

Then, in October 2021, the FAA again paused the process—raising concerns about the proposed 10,639-foot length. Over the next several months, we collaborated with Alaska Airlines to supply supporting data. In April 2022, the FAA concurred with our findings and allowed the EA to proceed.

Oversight of the project was transferred from the Memphis ADO to FAA headquarters, and new project managers were assigned. From mid-2022 to early 2023, we completed agency coordination, technical reviews, legal clearance, and public engagement. The public comment period ran from January to March 2023. Finally, in October 2023—nearly seven years after we first identified the issue—the FAA issued a Record of Decision approving the replacement of Runway 5L/23R.

In the meantime, RDU has replaced more than 300 concrete slabs on Runway 5L/23R and spent over \$30 million on temporary fixes—work that will continue until the new runway is completed in 2029. By then, we expect to have spent more than \$50 million simply maintaining infrastructure that should have already been replaced.

This project is about safety and reliability, not speculative growth. The delays have cost us dearly—in time, money, and public confidence. Our goal has always been clear: to replace failing infrastructure, preserve operational continuity, and meet long-term demand. However, this experience shows that even the most necessary, well-planned, and safety-driven projects can be delayed for years due to fragmented oversight, inconsistent guidance, and a lack of timely decision-making.

Equally concerning is the lack of federal financial support. Our runway replacement is a \$1 billion project, yet only six percent is covered by federal funding today. Even with full AIP apportionments and anticipated Infrastructure Investment and Jobs Act allocations, that number only rises to 11 percent. Meanwhile, North Carolinians have paid into the Airport and Airway Trust Fund for decades, expecting that projects get their fair share of funding.

A solution for RDU and other airports to address our critical infrastructure needs is the Passenger Facility Charge (PFC). These are local user fees approved locally, imposed locally, and used

locally for specific projects approved by the FAA in consultation with the airlines. Last raised nearly a quarter century ago, the arbitrary federal cap on the PFC has not kept pace with rising construction costs and inflation since it was last adjusted to \$4.50 in 2000, and its purchasing power has eroded by over 50 percent. Modernizing the outdated federal cap on the PFC would give airports like RDU the self-help they need to invest in the runways, terminals, gates, and ramps necessary to rebuild their facilities and attract new air carriers and entice existing ones to expand – thereby promoting competition and lowering airfares for their communities.

Enhanced Regulatory Streamlining Measures

Now is the time to further reduce costly regulatory burdens on airports, allowing them to run more as businesses now and in the future. Appendix B lays out some additional reform ideas under development that could benefit the airport industry. The central themes of these proposals include:

- The FAA’s role in regulating airports should be refocused on its primary function of protecting the public: oversight of airfield/airspace standards and safety, as well as airport-related air traffic control functions.
- The FAA should reorient its airport compliance program to carry out its stated purpose and focus only on protecting important federal interests that concern the public welfare rather than scrutinizing the details of airport operators’ business decisions.
- The FAA should ensure consistency in applying standards nationwide by adopting and promoting *the least burdensome* interpretation of statutory requirements and educating/directing its regional and local airport offices to implement those less burdensome interpretations.
- Congress should provide greater clarity and specificity when writing laws, giving less leeway for broad, extra-statutory interpretations and guidance documents from the FAA.

While we understand the interest in making the federal government more efficient and effective, the FAA must have sufficient personnel to perform its statutory duties efficiently and effectively. These duties include prompt and responsive FAA reviews of applications for federal grant assistance, airport forecasts, airport layout plans, airport capital project design documents, and NEPA documents. They also include the performance of 14 C.F.R. Part 139 airport inspections, maintenance of safety and operationally critical navigational aids and air traffic management systems, and the provision of air traffic control services.

ATC Reform

As the federal government explores ways to modernize the nation’s ATC system, airports are ready to contribute to the solution. By strengthening aviation infrastructure and fostering better collaboration between public and private stakeholders, we can significantly improve the ATC system’s safety, efficiency, and long-term sustainability.

As critical infrastructure developers and operators, airports are eager to work with the FAA to advance ATC modernization efforts. A key priority is achieving stronger alignment between airport and FAA capital improvement programs, particularly when planning ATC facility investments and relocations. Strategic coordination in these areas is essential to supporting airport growth, optimizing operations, and ensuring a more resilient national airspace system.

Summary

Airports Council International – North America (ACI-NA) recently released research showing commercial airports in the U.S. supported 12.8 million jobs and produced \$1.8 trillion in economic output last year. These findings highlight the importance of commercial airports to the local, regional, and national economies. Yet ACI-NA also projects that America's airports need at least \$173.9 billion over the next five years to fund necessary infrastructure projects, up 15.1 percent from just two years ago. Those are significant infrastructure needs on top of the billions in ATC modernization efforts needed at the FAA. We can meet this moment by working together and unleashing innovation and business practices at America's airports.

I am reminded of the opening words of the U.S. Constitution: “We the People of the United States...”

This simple phrase reflects a fundamental truth—we are in this together. Our laws are passed by elected officials with the public's best interests in mind. While Congress sets the law, implementation is often delegated to administrative agencies, producing lengthy and complex guidance documents. These documents frequently add layers of interpretation that increase the regulatory burden on airports. Too often, this complexity and inconsistency hinder progress rather than support it.

Consider the recent FAA Reauthorization Act, which includes language on alternative project delivery: “The Administrator approves the application using criteria established by the Administrator.” While well-intentioned, such broad discretion can lead to excessive bureaucracy, delaying critical infrastructure projects rather than facilitating them.

This is not solely a government issue. As an industry, we must take responsibility for engaging early in the legislative process. Too often, we miss the opportunity to shape policies that directly impact the communities we serve. If we want a regulatory framework that is clear, streamlined, and aligned with national infrastructure priorities, we must take an active role in shaping it.

So, who is responsible for the regulatory environment we face today? We the People.

That's why I am here—not just to voice concerns but to take responsibility and offer solutions. The U.S. aviation industry stands at a critical juncture. Antiquated processes and outdated facilities hinder our ability to meet record demand, placing strain on the national airspace system. Further declines in safety and efficiency threaten consumer confidence, which could put aviation in a tailspin. Airports are ready and willing to do their part to enhance safety, alleviate congestion, and improve reliability across the system. We need the legislative and regulatory backing to support—not stifle—these efforts.

APPENDIX A: FAA REAUTHORIZATION IMPLEMENTATION

Airports greatly appreciate Congress, including several provisions in the FAA Reauthorization Act of 2024 (“the Act”) designed to reduce federal regulatory burdens and accelerate infrastructure-development projects at airports nationwide. Chief among them is the funding increase and formula changes to the Airport Improvement Program (AIP) that will allow all airports to benefit from more AIP apportionment dollars, letting airport sponsors prioritize important infrastructure projects at their facilities for years to come. In addition to getting the AIP up and running for fiscal year 2025, the FAA should swiftly implement the following provisions of the Act so that critical airport infrastructure projects can move forward more expeditiously. The FAA must implement these statutory provisions consistent with congressional intent, and your rigorous oversight through hearings like this is critical to ensure this happens.

Passenger Facility Charge (PFC) Streamlining—The FAA should quickly start rulemaking on the new PFC program to expedite the delivery of important improvements at airports nationwide, enhancing safety, security, and capacity, reducing aircraft noise, and increasing competition.

Section 776 of the Act makes permanent and broadens a pilot program from the FAA Reauthorization Act of 2018, allowing airports, under certain conditions and with FAA oversight, to simply file a notice of intent to impose and use PFCs rather than submit a much longer and more cumbersome application with the FAA. While the new program maintains all presently required air carrier consultation and comment requirements and permits the FAA to require additional review in certain circumstances, it also sets time limits on when the FAA may object to an airport’s notice. Additionally, the section leaves in place the FAA’s current process for allowing participation in the pilot program until the FAA conducts new rulemaking to account for the new law, which was set to begin within 120 days of enactment (September 13, 2024.)

The FAA has not formally started rulemaking yet. The agency should move forward with the new statutory mandate as quickly as possible. It should consider related public comments filed last year on ways to improve the program so airport infrastructure projects can get underway more expeditiously.

Airport Land Use—The FAA should quickly implement the new congressional mandate and amend its land use policy issued in early 2024 to account for the new statutory regime.

Section 743 of the Act rewrites a provision in the FAA Reauthorization Act of 2018 prohibiting the FAA from regulating, directly or indirectly, the acquisition, use, lease, transfer, or disposal of airport property by an airport owner or operator if the land was not purchased with federal funds, except to ensure airport safety and efficiency is maintained and that fair market value is received.

While the new provision cedes some authority back to the FAA on what type of land is subject to federal oversight, it also places some new limits on the federal authority – such as prohibiting the FAA from extending its review authority to any non-aeronautical portions of a project and setting a 45-day review window in which the FAA may raise any objections. These new limits should help move airport projects along more quickly, avoiding costly FAA delays that have hurt

airports like Sacramento and Syracuse. The FAA should socialize the procedures to implement the new law with their headquarters, regional office staff, and airports as quickly as possible.

Environmental Reviews – Airports look forward to implementation of the new Categorical Exclusion (CatEx) provision in the Act, which will hopefully enable limited environmental review resources to be focused on larger projects that really require this focus. We also want to engage with the FAA on additional ways to address overarching NEPA process constraints—from page limits to review deadlines—in ways that do not ultimately undermine or delay these processes. The rescinding of “rules of the game” that have governed NEPA reviews for more than 40 years—namely Council on Environmental Quality (CEQ) implementing regulations at 40 C.F.R. parts 1500-1508—offers opportunities for substantive improvement and streamlining of NEPA review. However, in the near term, it has introduced confusion and uncertainty that is already resulting in delayed NEPA reviews and possible ensuing project delays. It is critical that the FAA provide clear interim guidance, limit unnecessary additional reviews, and work with airports to take prompt action to ensure that timely NEPA approvals are issued in spite of these uncertainties.

Airside Safety – Airports want to participate with the FAA in initiatives to improve runway, taxiway, and apron safety, including implementation of the broad provisions under Title III of the Act, as well as separate initiatives dealing with apron safety, FOD detection, airside ground vehicle tracking, and continuing improvements to signage and marking. We want to ensure that safety measures are effective, affordable, and appropriate. Additionally, any new federal safety mandates should include appropriate supplemental federal funding or increased local funding flexibility.

APPENDIX B: ENHANCED REGULATORY STREAMLINING MEASURES

Airports appreciate this opportunity to share recommendations for reducing costly regulatory burdens on airports and allowing them to run more as businesses now and in the future. The central themes of these proposals include:

- The FAA's role in regulating airports should be refocused on its primary function of protecting the public: oversight of airfield/airspace standards and safety, as well as airport-related air traffic control functions.
- The FAA should reorient its airport compliance program to carry out its stated purpose and focus only on protecting important federal interests that concern the public welfare rather than scrutinizing the details of airport operators' business decisions.
- The FAA should ensure consistency in applying standards nationwide by adopting and promoting *the least burdensome* interpretation of statutory requirements across the board and educating/directing its regional and local airport offices to implement those less burdensome interpretations.
- Congress should provide greater clarity and specificity when writing laws, giving less leeway for broad, extra-statutory interpretations and guidance documents from the FAA.

Airport Improvement Program (AIP) Streamlining – Building on the significant AIP reforms included in the FAA Reauthorization Act of 2024, additional steps can be taken to accelerate the delivery of critical infrastructure projects at airports nationwide.

- *Categorical Exclusions* – Airports should not have to wait to process a Categorical Exclusion to purchase readily available and necessary equipment, such as new aircraft rescue and fire fighting vehicles.
- *Contracting/Construction* – Building on section 723 of the Act, the FAA should allow airports to employ alternative project delivery methods, including Design Build, Construction Manager at Risk and Progressive Design-Build, on AIP-funded projects without requiring extraordinary justification. The FAA also should work with other administrative agencies, particularly the Office of Management and Budget, to develop class exceptions to federal procurement and contracting regulations that preclude effective use of these time- and cost-saving delivery mechanisms.
- *Apportionment Funds* – Airports should be allowed to use a “receive and report” process when using statutorily apportioned funds. Similarly, airports should be able to use their apportionment funds for any eligible capital project on the airport without requiring specific FAA approval through pre-application and application processes. The FAA should eliminate all non-statutory grant assurances for receiving apportionment funds.
- *Paperwork Reductions* – The FAA should eliminate the paperwork burdens requiring airports to keep a lease log and a grant assurance compliance certification checklist.

Use of Airport Revenue – The FAA should revise and simplify its Revenue Use Policy that implements the statutory prohibitions against diversion of airport revenue (49 U.S.C. Sec. 47107(b), (k) and (m) and Sec. 47133) so that an airport operator must comply with the specific statutory requirements but otherwise is simply required to use airport revenues for the betterment of the airport, aviation system, airport-owned facilities or air service in their community, and not for any non-airport related purpose. Essentially, the only oversight by the FAA here should be related to the improper use of airport revenue. Use of funds for any activity related to supporting the development (capital infrastructure and air service), operation, and maintenance of the airport should be allowed.

Airport Rates and Charges – The FAA should permit airports to utilize market value principles in establishing airline rates and charges. These same fair market principles are imposed on airports by FAA in other areas of their business practices, such as leases, land disposal, concessions, etc. To start, the FAA should at least allow airports to modify historic costs to adjust for the value of land and/or replacement costs, pre-fund projects consistent with established industry principles, and vary charges during peak, non-peak, and seasonal periods to rationalize demand and improve utilization of infrastructure, just as the airlines do.

Airport Contracts and Leases – The FAA should remove itself from involvement in business contracts and leases of an airport. Keeping the FAA in the middle of reviewing those documents, for which FAA personnel have no particular expertise, is burdensome, counterproductive, and impedes airport operators from conducting their business in a way that best serves their airports and communities. An example of the pervasiveness of FAA oversight is that the agency has required airports to submit lease logs detailing virtually all leases the airport has entered – an onerous, time-consuming, and unnecessary requirement.

Limit FAA Review and Approval Authorities in Accordance with Explicit Statutory Authority. Congress should review all areas where the FAA exercises approval authority to assess whether this authority has a basis in statute. Approval authority should be eliminated in cases where this statutory basis is unclear or lacking. Areas ripe for consideration in this regard include airport layout plan updates, airport capital project design approvals, airport master plan approvals, airport land use changes, and Airport Certification Manual and Safety Management System manual amendments.